

17 Brighton Grove  
Fenham  
Newcastle upon Tyne  
NE4 5NS

T: 0191 2260394

F: 0191 2733984

E: admin@angelou-centre.org.uk

## **Independent Human Rights Act Review Panel**

By email only [IHRAR@justice.gov.uk](mailto:IHRAR@justice.gov.uk)

Dear Panel Members

### **Re: Independent Human Rights Act Review Call for Evidence**

1. Please accept this letter and submission as Angelou Centre's response to a call for evidence by the Independent Human Rights Act Review (IHRAR) Panel 13<sup>th</sup> January 2021. We were unaware of this call for evidence until late February 2021 and were therefore given a 10-day extension to submit our evidence by 13<sup>th</sup> March 2021.
2. The Angelou Centre<sup>1</sup> welcomes the opportunity to respond to this Review. Our submission draws on our extensive knowledge and experience as a specialist Black and minoritised led by and for organisation based in the North East of England.
3. Although based in Newcastle upon Tyne, the Angelou Centre works across six local authorities in Tyne & Wear and Northumberland and serves three regional areas (Tees Valley, Durham, Northumberland) via extended community outreach and professionals training programmes. The organisation also works nationally through its provision of refuge accommodation, bespoke NRPF advisory services, training, consultancy and campaign work.

### **Context of the Angelou Centre's Work:**

4. The Angelou Centre is a specialist black-led feminist organisation that has been advancing human rights, equality, inclusion, empowerment and the independence of Black and minoritised women in the North East for over twenty-five years. As a black feminist organisation, we are committed to addressing political, economic and social inequality and discrimination in order to affect structural and institutional change.

---

<sup>1</sup> The Angelou Centre, 17 Brighton Grove, Fenham, Newcastle upon Tyne. NE4 5NS  
Charity Number: 1044344

5. Our organization retains a critical eye on the intersecting oppressions that Black and minoritised women and girls face at personal, community, institutional and structural levels in order to ensure that the safety, representation and 'voice' of Black and minoritised women and girls remains central to our work. Through our extensive training, wellbeing and Violence Against Women and Girls Services (VAWG) we support over 1,000 women and children a year.
6. The Centre's holistic VAWG services provide longer term sustained support and development for survivors beyond crisis intervention. This includes refuge accommodation (including provision for women without recourse to funds), specialist advocacy, outreach, therapeutic support, recovery programmes, training and skills development alongside social networks and activities for survivors. For the purpose of this call for evidence, we will be focusing on the Angelou Centre's VAWG work and the experiences and voices of the victim-survivors we support throughout this submission.
7. The Angelou Centre VAWG Services annually support 350 women and their children directly through specialist advocacy (IDVA, ISVA, Outreach) and refuge/accommodation services and over 200 through our wider recovery programmes, training, counseling and therapeutic activities. The Centre supports 150 children and young survivors of violence and abuse each year through children's advocacy, therapy, social and creative activities. On initial contact with the Angelou Centre, 95% of the women we support will not be in any form of training or employment and over 60% of women will have uncertain or unknown immigration status or No Recourse to Public Funds. Under 5% of the women we work with return to abusive partners or families.
8. The women and children that the Angelou Centre support face a spectrum of intersecting forms of violence and harm including domestic and sexual violence, harmful practices such as FGM and forced marriage, honour-based violence (HBV), trafficking, sexual exploitation, deliberate abuse around their migration matters (which we determine immigration abuse) and often or subsequently have no recourse to public funds.
9. The women and the communities that the Angelou Centre support face multiple intersecting barriers, often have the lowest socio-economic outcomes in the North East, are destitute and homeless, or living in unstable or unsafe housing without support networks. In addition, we support migrant women who have complex immigration issues, no recourse to public funds, face racial discrimination and harassment, hate crime, and economic exploitation.
10. The Angelou Centre service users, particularly victim-survivors of domestic and sexual violence, harmful practices and HBV (on whom we will focus in this submission) have often been wholly reliant on the Angelou Centre and the Human Rights Act 1998 (HRA) to seek and access safety, protection and justice due to multiple failures by institutions and state bodies. The Angelou Centre works

regularly with a number of Human Rights Lawyers, who are specialists in supporting victim-survivors of violence and abuse. Many of the victim-survivors who access our services have experienced abuse from perpetrators who often use institutional and state mechanisms to prohibit their victims from accessing safety, protection and justice.

11. The women we support have been greatly assisted by the HRA 1998 and European Court of Human Rights (ECtHR) case law and findings. Many of the challenges that we present to public bodies and institutions, to uphold women's rights to access safety and protection, bring into effect the obligations of the Human Rights Act 1998 where the Equality Act 2010 is not being implemented. The Angelou Centre and the lawyers we work with are often reliant on the HRA to challenge public authorities who are acting in breach of human rights principles as set out in the European Convention of Human Rights (ECHR). For example, on many occasions, the Angelou Centre has had to insist that a local authority undertake a human rights assessment where there has been negligence in putting in place safety and protection for women and children at serious risk of harm, death or destitution.

**The IHRAR's Call for Evidence and Our Approach:**

12. The HRA continues to play a critical role in not only assuring the protection of the rights of the victim- survivors we support are upheld, but also in reducing femicide and severe harm to Black and minoritised and migrant women who are often (as evidenced below) not afforded the same levels of safety and protection when seeking help and support. The HRA has also been very important in our broader work to improve socio-economic and health related outcomes for Black and minoritised women and children. The Angelou Centre asserts that our involvement and response to the IHRAR's call for evidence is needed so that the Review Panel has an informed understanding of the role of the HRA in supporting the work of the Angelou Centre.
13. Having reviewed the call for evidence documents carefully, we are of the view that the two themes and specific questions included in the review are so technical in nature that they only provide space for the voices of legal practitioners. We would therefore suggest that the call for evidence is written in a way that largely excludes the voices of Black and minoritised by and for VAWG services, despite the consultation stating it wishes to hear from a range of individuals and professionals.
14. Whilst we understand that the consultation is concentrates on the interaction between the ECtHR and domestic courts in relation to the HRA, we are concerned about the review's interpretation of HRA as challenging public policy and administration rather than there being a focus on the impact of HRA in determining and upholding individual's rights. In addition, the consultation appears to be focused only on the administrative functioning of the HRA rather than on its impact in practice and outcomes for individuals. This is problematic to the Angelou Centre as this does not provide the opportunity for the panel to consider the ways in

which the HRA can be utilised by those who experience Human Rights violations and those who are at risk of harm, violence and abuse. As the HRA is legislation that incorporates EHCR it is of particular relevance to the work that the Angelou Centre does with women who face multiple inequalities at interpersonal, institutional and state levels.

15. In consideration of the above points, the Angelou Centre has prepared a response that provides an informed understanding of the very different ways that the HRA upholds the rights of women and would discourage the panel from making any changes to the HRA that diminish the rights and protection of individuals. Significantly we wish to evidence that any changes to the HRA or reduction of its protective powers, would further harm both individual Black and minoritised victim-survivors but also the ability of organisations, such as the Angelou Centre, to effect and improve the rights of women and children in a broader sense.
16. In our response to the consultation we have decided to structure our submission in the following thematic ways to best illustrate our evidence and to outline our reliance on the HRA to protect Black and minoritised women and children who are impacted by (1) Institutional and State Failings, (2) Local Authority violations, (3) Legal Aid Cuts, (4) Social Inequalities and Destitution, (5) Criminalisation of Victims by Perpetrators and State Institutions, (6) Immigration Regulations and the No Recourse to Public Funds Ruling.
17. We believe that these themed responses relate, in particular, to the following Articles of the HRA:
  - i. Article 2: Right to life
  - ii. Article 3: Freedom from torture and inhuman or degrading treatment
  - iii. Article 4: Freedom from slavery and forced labour
  - iv. Article 8: Respect for private and family life
  - v. Article 14: Protection from discrimination in respect of these rights and freedoms
18. Although the Angelou Centre also supports women and children within other areas of the HRA, namely Protocol 1, Article 2: Right to Education and Article 9: Freedom of thought, belief and religion, for the purposes of this review we will be focusing on Articles 2,3,4,8 and 14 as above. The evidence we present includes case studies, quotes from the service users whose case studies we refer to and examples of case law.

### **Angelou Centre's Evidence in Response to IHRAR**

19. **(1) Institutional and State Failings:** The Angelou Centre regularly observes the failure of legal mechanisms to operate accordingly due to deliberate neglect, discrimination, margins of error or inequitable interpretation, especially in relation to women and children who face multiple disadvantages and inequalities. We believe that this is further exacerbated by the lack of ratification or incorporation of

international conventions into domestic law, namely the Istanbul Convention and CEDAW. As a result, our frontline practitioners are often left without recourse to the legal tools and remedies needed to effectively and meaningfully litigate on behalf of their clients. The black and minoritised victim-survivors that the Angelou Centre supports have often experienced systemic and institutional failures in addition to other forms of violence and abuse. In many instances (as outlined by the case studies below), the HRA, which allows for the ECHR to be enforceable, is the only legal recourse that our organisation can rely upon to challenge the violation of black and minoritised women and children's rights. In particular, our institutional advocacy work challenges the failure of institutions such as the police to provide effective protection to black and minoritised women and children when their ECHR Article 8 right is being violated by gender based violence such as stalking and harassment or the failure to effectively investigate rape claims (under Article 3).

20. *Waxman (R) (on the application of) v Crown Prosecution Service [2012] EWHC 113.*

This was a judicial review claim challenging the decision of the CPS not to prosecute the claimant's stalker for harassment. The court held that the state owed Ms. Waxman a duty under Article 8 to take proper measures to protect her and was in breach of its duty in failing to pursue the prosecution. This has set the precedent that Article 8 can impose a positive obligation to provide an effective criminal remedy.

21. Angelou Centre Case Study:

Serena (pseudo name) is of mixed heritage (English and Algerian), 30 years old and has a two-year-old son. Serena self-referred into the Angelou Centre, wishing to access support as a victim of high levels of coercive control, stalking and harassment, digital based abuse, emotional and psychological abuse. Serena married her husband in 2017 and left Newcastle to live with him and his family in Cambridge (pseudo location). Very early on in the marriage, Serena noticed that her husband had developed a drug addiction and was regularly taking cocaine during the week. As his drug use increased and his behaviour became more erratic, Serena left Cambridge with her son and moved back in with her parents in another part of the UK. When Serena moved to this location, he started stalking her. He travelled from Cambridge to the location, turning up at Serena's mothers place of work and accusing them of stealing his wife and child. He would regularly send Serena emails and text messages saying he was sorry and wanted her to return home. He started sending erratic emails to Serena, including that he was being watched by the M15, stalked by his postman and subject to evil magic. Serena was supported by her Angelou Centre advocate to report each breach to the police. Despite numerous requests, Cambridge police continuously delayed arresting him and would not explore applying for a Stalking Protection Order (SPO). Institutional advocacy was deployed, and the Angelou Centre made a Human Rights challenge, outlining that Serena and her families Article 8 Right was being violated by the police's failure to take actions to stop/protect against the stalking

and harassment. This challenge led to the police successfully applying for a SPO and arresting the perpetrator.

*"I was desperate. I contacted so many people for help, but no one would do anything- even the police and social services. It was only until I called the Angelou's number that it was explained that I had options, that I could access orders that would keep me and my child safe. I finally feel like things are working out."*

22. **(2) Local Authority violations:** As a voluntary sector organisation, we are heavily reliant on the HRA to challenge statutory organisations and public authorities when they act in a way that undermines the rights of black and minoritised victim-survivors. In particular, Article 3 and 8 have been relied on when submitting human rights challenges to children's social care.

23. *Z v UK European Court of Human Rights, (Application no. 29392/95) 10/05/2001*  
Four siblings successfully complained that their local authority had failed to protect them from inhumane and degrading treatment (Article 3) as Children's Social Care were aware of the neglect and abuse they suffered at home. This was successful and they were awarded compensation for the breach of Article 3.

24. Angelou Centre Case Study:

Zyeda (pseudo name) is a 30-year-old Thai woman that was referred to the Angelou Centre by her children's social worker. The Local Authority planned to remove Zyeda's two children from her care and place them into the permanent care of their father because she had no recourse to public funds, despite their knowledge of the father's abusive behavior toward the mother and children and the enforced destitution he placed them under. Zyeda had disclosed a history of severe domestic abuse perpetrated by the father of her children as well as a history of his extensive drug use and petty criminal activity. Zyeda was not provided with any assessment or reassurance of father's capacity to care for the children full-time and the local authority stated they had no concerns in relation to Zyeda's ability to parent the children. Their decision was based on her NRPf status alone (the children are British citizens). The Angelou Centre submitted a Human Rights challenge to the local authority, arguing that this would constitute as forcible removal and would breach Zyeda and her children's Article 8 rights. Concerns were also raised that this could run the risk of breaching the children's Article 3 rights by putting them at risk of further harm, especially if no parenting assessments have been completed. This resulted in the children and Zyeda moving into the Angelou Centre's specialist refuge and being provided with Section 17 support by the local authority

*"I feel scared of the social worker involved with my family. When I see her, I feel I do not have control of my emotions and I do not feel comfortable to talk with her. She is so intimidating. I try and make her understand and tell her that I do not find things easy but with support I am learning. Only the Angelou Centre tries to support*



*me as a mother and through my parenting. You understand the cultural differences and try to help me. My advocate attends all meeting and conferences with social service, I felt empowered to share."*

25. **(3) Legal Aid Cuts:** As Legal Aid access continues to be reduced, the HRA has enabled victim-survivors to access legal aid where, due to their circumstances, they cannot produce the required evidence to be eligible. In such circumstances, Black, minoritised and migrant women have been able to use Article 6 as a way of obtaining exceptional case funding.

26. *Airey v Ireland (1979) 32 Eur Ct HR Ser A: [1979] 2 EHRR 305* The ECtHR stated that the general right to a fair trial in Article 6(1) ECHR could include an implied right to legal aid in civil cases too, if this is necessary to ensure effective access to justice.

27. *Steel and Morris v United Kingdom App no 68416/01 (Judgment, 15 February 2005)* The ECtHR stated that whether legal aid was necessary in civil cases pursuant to Article 6 ECHR is something that needs to be determined on the basis of the particular facts and circumstances of each case and will depend on the importance of what is at stake for the applicant in proceedings, the complexity of the relevant law and procedure and the applicant's capacity to represent him or herself effectively.

28. Angelou Centre Case Study:

Nora (pseudo name) is 26-year-old Pakistani woman who self-referred to the Angelou Centre, contacting us from Pakistan. Nora was subject to severe domestic violence, perpetrated by her husband. She was also subject to transnational abandonment, where she was tricked into travelling to Pakistan by her husband. Once there, Nora's husband destroyed her passport and curtailed her visa. The Angelou Centre supported Nora to get access to International Family Law advice, however, she did not have access to the required evidence to prove that she met the threshold for legal aid. The legal firm supporting Nora used Nora's right to Article 6 as a way of securing her funding, arguing that due to a) the severity of the impact on Nora if she was unable to return to the UK b) the complexity of the case and c) Nora not having the capacity to effectively represent herself, her Article 6 right would be violated if legal expertise was not provided.

*"I thought I would have to pay for legal help or remain in Pakistan. You and my solicitor fought for me- without this I would have no hope."*

29. **(4) Social Inequalities and Destitution:** Black and minoritised women, especially women who have uncertain immigration status and may not be able to freely access healthcare, face multiple health inequalities without support from specialist services like the Angelou Centre, who often have to provide the funding for their healthcare and holistic recovery support. Covid-19 has exacerbated inherent health inequalities that Black and minoritised women face in terms of response, access

and treatment. The Angelou Centre regularly challenge this inequitable access to be a violation of black and minoritised women's article 8 and 14 rights.

30. *Tysiac. Poland, PR v. Poland (Application no. 5410/03) and ABC V. Ireland No. 25579/05 Eur. Ct. H.R. (2010)* the ECtHR has found Poland and Ireland be in breach of their obligation to respect the applicants right to respect for private life. The breaches were found on the basis of failures of those statutes to ensure that where abortion was permissible (even if only theoretically so), effective medical procedures to support reproductive health were available, allowing it to occur in practice.

31. Angelou Centre Case Example:

Adie (a woman who had NRPF) went to her GP on multiple occasions as a result of experiencing severe pain in her stomach that she believed were gynecological. Her GP repeatedly told her that there were no physical concerns and the pain had likely been brought on by stress, despite not conducting any tests. It was not until the client was rushed to hospital after her undiagnosed cancerous tumour erupted, that her reproductive health care needs were considered seriously. The client disclosed a real belief that her treatment would not have been the same if she had been white and with secure status in the UK. Adie currently has thousands of pounds in NHS back charges. The Angelou Centre has regularly campaigned that this restriction violates article 8 rights and is discriminatory under article 14. Due to a successful legal challenge to her NRPF status, she has just recently been awarded access to public funds.

*"As a migrant woman, I have been recently told I have to pay for NHS service even though my right to work has been taken away. Even though I have paid repeatedly for the NHS surcharge. Even though I can receive emergency treatment, the fact that it becomes a debt which I currently cannot afford or pay, weighs heavily on me. It adds extra stress and worry. There is also the fact that NHS debt will be reported to the home office. I have to pay for oncology surveillance and medication to treat my chronic health issues which came after treatment for cancer. I am currently destitute, fighting a legal case on my right to stay, and now have to live in a world with coronavirus. It's a massive burden on my mental and physical health."*

32. (5) **Criminalisation of Victims by Perpetrators and State Institutions:** The Angelou Centre has increasingly observed black and minoritised victim- survivors of violence being criminalised or penalized by the systems and structures that are meant to protect them. For example, safeguarding duties held by statutory organisations such as the police, Children's or Adult's Services may be discriminatory, negligent or lack the cultural competence to equitably support Black and minoritised women. The Angelou Centre has been able to challenge these discriminatory practices by utilising the HRA and arguing that the criminalisation of victim/survivors constitutes a violation of their article 4, article 3, article 8 and article 14 (gender discrimination).



33. *Case of V.C.L and A.N. v. The United Kingdom (Applications nos. 77587/12 and 74603/12)*. Two Vietnamese young people were charged with drug offences following being discovered on cannabis farms in 2009. They were detained in young offenders' institutions. The young people took their case to the European Court of Human Rights, who found that the UK had failed to protect the victims of child trafficking by not considering the competency or the authority's expertise in identifying victims of trafficking- breaching article 4.
34. Case Study: Samina (pseudo name) is 26 from Bangladesh with three children. She was referred to the Angelou Centre by a professional working in the Local City Council. They stated that Samina had been arrested for allegedly attacking her husband with a knife and as a result, removed from her home address into a local hotel, with bail conditions imposed and her three children left in the care of their father. When the advocate spoke with Samina, she disclosed that on the night in which she was arrested her husband became aggressive. He began beating her and when she tried to escape, he threw boiling water over her. Samina states that she continued to try and get away, as he beat her, threatening him that she would call the police. The perpetrator picked up a knife and said if she called the police, he would cut her into pieces. A neighbour heard Samina's screams and contacted the police. Samina states that as her husband heard the sirens, he began cutting his own arm with the knife. When the police attended they did not assess nor recognise Samina as a victim, the husband stated that Samina had tried to kill him. Samina was arrested and placed in a cell overnight. Samina continuously asked for a Bengali interpreter so that she could understand what was happening, but this was not provided. Samina stated that she felt that she was dying, as she was terrified for her children and she was the only one that ever cared for them. The Angelou Centre challenged on the basis that it violated Samina's Article 3 and Article 8 right- as a result, the police dropped their charges.
- "I kept thinking if I left, where would I go and who would I turn to? I have no one here or in Bangladesh. If I went back to Bangladesh, I would be killed for honour either by my own family or by my in-laws. Sometimes I feel alone but then I think of the help and support from the Angelou Centre and that you're here for me. I feel safe finally here. The emotional support you offer me allows me to sleep at night."*
35. Women that are groomed and sexually exploited, may have convictions of soliciting which they have to disclose to respective employers- this can impact on their ability to obtain work and exercise economic independence. The Angelou Centre has worked with women who have been sexually exploited and deliberately forced or perpetrated against in a way that results in their criminalisation. This has resulted in women being involved in public offences and petty criminal activity when their abusers force them to commit crimes as part of a cycle of abuse and control.
36. *R (QSA and others) v Secretary of State for the Home Dept and Secretary of State for Justice* [2018] EWHC 407 (Admin) was a claim for judicial review brought by three women, each of whom have multiple convictions for soliciting as a result of

being groomed into prostitution at a young age. The convictions are all over twenty years ago and each of the Claimants has exited prostitution. However, under what was known as the 'multiple conviction rule' these offences had to be disclosed when applying for certain types of employment and even when accessing educational courses. This was because of a rule that more than one offence, no matter how minor or how long ago, meant that all offences would be disclosed. The Claimants argued that the rule violated their Article 8 rights. They were successful and in November 2020, following this case and another argued on similar terms, the rule was changed. The outcome of this case is of great assistance to victims of grooming who have been forced into prostitution or other criminal activity, as it means that they no longer have to disclose their convictions, and as such, do not have to divulge to employers the abuse they suffered, often as children.

37. Angelou Centre Case Study:

Rumina (pseudo name) is a young woman of African heritage who was groomed and sexually exploited from the age of 15. Children's Social Care had regarded her exploitation to be a lifestyle choice and provided few interventions of support. From the age of 17 Rumina was trafficked, drugged and raped by numerous perpetrators who were never arrested. Police would regularly raid parties and arrest Rumina for soliciting and prostitution but did not arrest any perpetrators. Rumina stated that she felt racialized and sexualized by the police because she was a young Black woman. Rumina went onto receive several public order offence arrests and fines that occurred after she had been raped and drugged.

*"They (police) picked on me cos I was Black, they called me a prostitute and even when I said they never arrested the white men. I know it was cos of my skin colour and what they thought of me saying I was a prostitute. They just let the men do whatever they wanted."*

38. **(6) Immigration Regulations and the No Recourse to Public Funds Ruling:** The HRA affords essential protection to migrant victim-survivors with NRPF who are left without vital access to support, safety and protection such as access to refuges and health support if they've been physically attacked. The Angelou Centre, as part of its national networks, amplifies the ways in which the NRPF restriction violates the Human Rights of migrant women. Often women with NRPF are threatened and face immigration abuse due to their insecure immigration status, they are also regularly economically and sexually exploited. The Angelou Centre has also submitted numerous Human Rights challenges to voluntary and/or statutory organisations that have failed to uphold the rights of NRPF Migrant women and children, on the basis that such decisions and actions violate their convention rights. In particular the Angelou Centre references migrant women's rights under:

- i. Article 2- right to life that is inhibited by lack of access to safety and protection in terms of crisis intervention and refuge provisions increase the risk that migrant victim-survivors are subject to serious injury or threats of homicide;

- ii. Article 3- right to be free from inhumane treatment such as being subject to high levels of poverty and destitution;
- iii. Article 8 -right to family and private life which includes NRPF restrictions being used as a justification to forcibly remove children from the care of their mother, as outlined in paragraph 22
- iv. Article 14 -discrimination against women based on their migrant status.

39. *R (W, A Child by His Litigation Friend J) v Secretary of State for the Home Department & Anor [2020] EWHC 1299* The court heard that a child, known in court as W, lived his entire life in extreme poverty because his mother's wages as a carer were not enough to keep them housed and fed. The court heard that W and his mother had been street homeless due to the mother having NRPF. The court ruled that the NRPF policy breached the Human Rights Act, which prohibits inhumane and degrading treatment, as it forced them into poverty.

40. Angelou Centre Case Study: Meena (pseudo name) is 30 years old, has two young children and is from Nigeria. Serena self-referred into the Angelou Centre. She advised that she was completely dependent on him for money, but he would leave her days without anything, meaning that she was often destitute, without the ability to buy even core essentials for herself like sanitary products or replacement shoes; she showed her advocate her shoes which were falling apart but was not permitted to buy new ones, despite there being snow and rain. He would only permit her to buy cheap food for the children and a small amount for herself so she was forced into economic exploitation to provide the basic necessities needed for her children. She explained that if she ever questioned him, his behaviour or spoke back, he would threaten to deport her back to Nigeria and send the children there at a later date to stay with his own family and Serena would never see them again. When the advocate asked Meena what her immigration status was, she said she was not sure Meena explained that her husband kept all of her documents, including her passport and immigration related letter and documents, alongside the children's birth certificates and passports, locked in a safe which she did not have access to. Meena was supported by an immigration solicitor who confirmed that she has no status in the UK and therefore NRPF. The advocate deployed institutional advocacy and reminded Children's Social Care of their obligation under Section 17 of the Children's Act to support the family financially and if needed to protect them from harm. The local authority declined this initially- the Angelou Submitted a challenge advising that if they did not uphold their Section 17, they would be violating Meena's convention rights (Article 3 and 8) and potentially her Article 2 right as without their support, she would be unable to move into a refuge and left in a high risk and unsafe situation with the potential for serious consequences.

*"I have NRPF and I'm not allowed to work...I was approached by a couple, they told me if I did some cleaning in their house they'd give me some money for food. But when I got there, I was treated like a slave and was not paid. When I tried to leave, they told me they would tell the Home Office I was illegally working, that I would be kicked out of the UK."*

41. As an organisation that operates in the North East, we support a high number of asylum seekers who are dispersed in this area by the Home Office. Many of the women we support who claim asylum are traumatised by their experiences of trafficking, National Referral Mechanism (NRM) failures and Detention. The Angelou Centre has been able to rely on the HRA to make institutional challenges when women's article 2, article 4 and article 8 rights have been breached by institutions.
42. *R (Reetha Suppiah et al) v Secretary Of State For The Home Department (Liberty and Bedford Local Safeguarding Children's Board intervened)* [2011] EWHC 2 This case determined that the detention of two failed asylum seekers and their children was unlawful and a breach of their human right. The case outlined that the detention of families with children should be authorised only in exceptional circumstances and as a last resort.
43. *ZH (Tanzania) v Secretary of State for the Home Department* [2011] UKSC 4 The best interests of children who were British citizens had to be a primary consideration when considering whether a decision to remove the children's mother to another country was proportionate with the right to respect for family life (Article 8). The best interest of the child involved asking whether it was reasonable to expect the child to live in another country. It was not enough to say that a young child might readily adapt to life in another country, particularly when they had lived in Britain all their lives and were being expected to move to a country they did not know and where they would be separated from a parent (their father). The children had rights which they would not be able to exercise if they moved to another country and it would be disproportionate to deport their mother.
44. *EK (Article 4 ECHR: Trafficking Convention)* [2013] UKUT 00313 (IAC) involved a woman called EK who was trafficked to the UK from Tanzania in 2006 for domestic servitude. Contrary to UKBA guidance she was not given information on her rights upon entry to the UK. After an initial escape, she was internally re-trafficked. In 2010 she was referred through the National Referral Mechanism as a victim of trafficking and assisted to raise an asylum claim. In the Upper Tribunal, EK argued that the failure to give her information at entry had amounted to a breach of Article 4 and that this had contributed directly to her vulnerability to trafficking, and to the damage caused to her health.
45. Angelou Centre Case Study:  
Anna (pseudo name) is a 26-year-old woman of African heritage, with three children claiming Asylum in the UK who had experienced high levels of violence and compound trauma. Anna applied to Migrant Help from accommodation as a result of experiencing high levels of destitution. Anna was provided with accommodation out of area where she would be unable to access the advocacy support that she was receiving from the Angelou Centre. We were able to challenge this dispersal on the basis that if she was moved, it would violate her Article 8 right, Anna had developed a safe network that she viewed as her family in

the local area, and at the extreme, could have the potential of impacting her Article 2 right as Anna had good links with the police in the local area, extensive safety measures and safety planning completed regularly. In response to this challenge, Migrant Help placed Anna in a property still within the local area so that she and her children could continue to access trauma informed support and therapy from the Angelou Centre.

*“Because of the support from the Angelou Centre, I am now in a comfortable position to talk about my immigration process without breaking down. I have realised that my safety is more important than my fear of the home office.”*

### **Conclusion**

46. We trust that the IHRAR Panel will take the above concerns, case law examples and case studies into consideration when conducting their review and that they will consider the importance of any mechanisms that uphold the rights of Black, minoritised and migrant victim-survivors who often face multiple and complex forms of discrimination and harm. If any changes are to be made as a result of this technical review to the HRA, we would expect there to be a further consultation, one that is best able to engage the views of specialist Black and minoritised led services who are often working with and representing women and children that are excluded from accessing support elsewhere and are often wholly reliant on the HRA to receive justice.
47. Finally, we would like to reiterate our opposition to any administrative, technical amendments or reforms to the HRA that could put the protections afforded the women and children we support at risk or jeopardy. We would instead promote and support any remedies or actions that could better strengthen the rights and protections of Black and minoritised women such as the ratification of the Istanbul Convention and incorporation of CEDAW into domestic law.

Yours faithfully

**The Angelou Centre**